

615.040 Definitions -- Financial responsibility -- Placement in another state -- Bond. (Effective upon contingency)

The following provisions apply to the compact described in KRS 615.030:

- (1) The following definitions apply to KRS 615.030:
 - (a) As defined in subsection (18) of Article II of the interstate compact on the placement of children, the phrase "public child placing agency" with reference to this state shall mean the Cabinet for Health and Family Services.
 - (b) As used in Article VIII of the interstate compact on the placement of children, the term "executive head" means the Governor. The Governor is hereby authorized to appoint a compact administrator in accordance with the terms of said Article VIII.
- (2) Financial responsibility for any child placed pursuant to the provisions of the interstate compact on the placement of children:
 - (a) Shall be determined in accordance with the provisions of Article VII thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of KRS 405.020 shall apply.
 - (b) The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in another party state pursuant to subsection (5) of Article VII of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the secretary of the Finance and Administration Cabinet in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.
- (3) Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to Article IV of the interstate compact on the placement of children and shall retain jurisdiction as provided in Article IV of KRS 615.030 thereof.
- (4) No person or institution shall bring or send, or cause to be brought or sent, a dependent child into this state from another state for the purpose of placing him in a family home, either with or without indenture or for adoption, without first filing a ten thousand dollar (\$10,000) bond with the county judge/executive of the county in which the child is to be placed.
- (5) The bond shall be conditioned as follows:
 - (a) That they will not bring or send, or cause to be brought or sent, into this state any child that is incorrigible or of unsound mind or body or who has any contagious or incurable disease;
 - (b) That they will immediately, upon placing the child, report to the department the name and age of the child, and the name and residence of the person with whom he is placed;
 - (c) That if the child becomes a public charge before reaching his majority, they

will, within thirty (30) days after receiving written notice of such fact from the department, remove the child from the state;

- (d) That if the child is convicted of a crime or misdemeanor and is imprisoned, within five (5) years of the time of his arrival, they will remove the child from the state immediately upon his release;
 - (e) That they will place each dependent child by written contract with a person who will furnish the child a proper home, and will make the person receiving the child responsible for its proper care, education, and training;
 - (f) That they will properly supervise the care and training of the child, and visit each child at least once a year;
 - (g) That they will make such reports to the department as the department requires.
- (6) The provisions of KRS 615.030 shall not apply to a parent, stepparent, grandparent, adult brother or sister, or adult uncle or aunt going to any other state or country and bringing a child into this state for the purpose of giving it a home in his own family, and may be waived by the department for any child brought into the state under the supervision of the division or licensed child-caring or child-placing institution or agency by written agreement with the responsible agency of the other state or country, or under special circumstances agreed to in writing by the cabinet and the persons wishing to import a child.
- (7) The provisions of subsections (4) and (5) of this section shall not apply to placements made pursuant to the interstate compact on the placement of children.

Effective: Effective upon contingency

History: Amended 2013 Ky. Acts ch. 79, sec. 6, effective upon contingency. -- Amended 2005 Ky. Acts ch. 99, sec. 664, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 616, effective July 15, 1998. -- Created 1986 Ky. Acts ch. 423, sec. 59, effective July 1, 1987.

Legislative Research Commission Note (6/25/2013). This statute was amended in 2013 Ky. Acts ch. 79, sec. 6. Section 9 of that Act prescribed that the amendments to this statute would take effect as provided in KRS 615.030, Article XIV, upon the legislative enactment of the compact into law by no fewer than 35 states. Section 10 of that Act prescribed that the Cabinet for Health and Family Services must notify the Reviser of Statutes when the 35th state has enacted the compact. That threshold has not yet been met.